

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDDYS N. GARCIA, as Administrator of the Goods, Chattels and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA, individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, and KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA,

**NOTICE TO PRODUCE
PURSUANT TO
FRCP RULE 34**

07 CIV 4045 GEL

Plaintiffs,

-against-

GINNETTI TRUCKING, LLC,

Defendant.

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TO DEFENDANT GINNETTI TRUCKING, LLC

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiff requests that defendant, GINNETTI TRUCKING, LLC, produce and permit plaintiff to inspect and copy the following documents:

1. The "MCS 90" endorsement required by 49 C.F.R. §387.15 for the insurance policy for the trailer involved in the occurrence herein in effect on the date of the occurrence.
2. The "MCS90" endorsement required by 49 C.F.R. §387.15 for all trailers owned by the defendant, GINNETTI TRUCKING, LLC in effect on the date of the occurrence.
3. The garage insurance policy issued to GINNETTI TRUCKING, LLC in effect on the date of the occurrence.

PLEASE TAKE FURTHER NOTICE that if the defendant, or defendant's representatives obtain names and addresses of

persons who witnessed the accident or have firsthand knowledge of its occurrence subsequent to the service of this notice, this information is to be furnished to the plaintiff whenever obtained. The plaintiff will object at the time of trial to the testimony of any persons not so identified. The plaintiff will move to preclude the testimony of any persons not so identified.

PLEASE TAKE FURTHER NOTICE, that if any of the aforesaid recordings were taken of the plaintiff and are not produced, objection will be made to their introduction at the time of trial.

Said discovery is to be produced on the 13th day of September, 2007, at 2:00 p.m., 34th Floor, 80 Pine Street, New York, NY.

PLEASE TAKE FURTHER NOTICE that a written communication enclosing the aforerequested information may be sent prior to the abovementioned time in lieu of a personal appearance on the above date.

Dated: New York, New York
June 13, 2007

GAIR, GAIR, CONASON,
STEIGMAN & MACKAUF
Attorneys for Plaintiffs

By: /S/ ANTHONY H. GAIR
ANTHONY H. GAIR (AHG5408)
A Member of the Firm
Office & P.O. Address
80 Pine Street
New York, NY 10005
(212) 943-1090

TO: ATTN: HAROLD S. DERSCHOWIT, ESQ.
LESTER, SCHWAB, KATZ & DWYER
Attorneys for Defendant
GINNETTI TRUCKING, LLC
120 Broadway
New York, NY 10271